

AGENDA MEMO

CITY COUNCIL MEETING DATE: MAY 20, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-33981 - APPLICANT/OWNER: MICHAEL AND CAMILLA GOODWIN

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for an Accessory Structure (Class I) use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-33775) shall be required, if approved.
3. All required building, plumbing and electrical permits shall be obtained and receive final inspections within 90 days of approval of this Special Use Permit.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for an existing Accessory Structure (Class I) at 1317 South 6th Street. In addition to this request the applicant has also submitted a request for a Variance (VAR-33775) to allow a zero-foot side and rear yard setback where three feet is required for an existing Accessory Structure (Class I) at the subject property. The existing Accessory Structure (Class I) on the subject property and is architecturally consistent with the main dwelling unit; however, the Department of Building and Safety has no building permits on file to verify that this structure was legally built on the subject property nor does the Planning and Development Department have any record of a Variance to allow the existing zero-foot setback condition at the subject property. Staff cannot support a request for a non-permitted Accessory Structure (Class I) to remain on the subject property in its current configuration as the lack of required setbacks will have a negative impact on the adjacent properties; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i> | |
|--|---|
| 02/09/09 | A Code Enforcement complaint (#74384) was issued for failure to obtain permits for remodeling, an accessory structure encroaching on the required side and rear setbacks and a garage which may have been constructed without a permit. The case is still open. |
| 02/11/09 | A deed was recorded for change of ownership. |
| 04/23/09 | The Planning Commission recommended approval of companion item VAR-33775 concurrently with this application. The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #29/dc). |
| <i>Related Building Permits/Business Licenses</i> | |
| c. 1951 | A single-family residence was constructed at 1317 South 6 th Street. |
| 04/28/64 | A building permit (#25227) was issued for interior remodeling at 1317 South 6 th Street. |
| 07/08/70 | A building permit (#54058) was issued to convert an existing two-car carport at the southwest corner of the existing single-family residence into habitable living space at 1317 South 6 th Street. |
| 02/11/09 | A building permit (#133371) was issued for interior drywall and electrical work at 1317 South 6 th Street. The permit is currently active. |
| <i>Pre-Application Meeting</i> | |
| 02/24/09 | A pre-application meeting was held with the applicant where the submittal requirements of a Variance were discussed. |
| 03/25/09 | A follow-up pre-application meeting was held with the applicant and the Department of Building and Safety where the steps necessary to obtain proper |

| | |
|--|---|
| | building permits for the existing Accessory Structure (Class I) were discussed. |
|--|---|

| <i>Neighborhood Meeting</i> | |
|--|--|
| A neighborhood meeting was not held, nor was one required. | |

| <i>Field Check</i> | |
|---------------------------|--|
| 04/19/09 | A field check was conducted by staff at the subject property. The property was observed to be a well preserved mid-century home, in clean condition. The Accessory Structure (Class I) was noted at the southeast corner of the property, constructed on both the south and east property lines. |

| <i>Details of Application Request</i> | |
|--|------|
| <i>Site Area</i> | |
| Gross Acres | 0.28 |

| Surrounding Property | Existing Land Use | Planned Land Use | Existing Zoning |
|-----------------------------|--------------------------|-----------------------------|---------------------------------|
| Subject Property | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |
| North | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |
| South | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |
| East | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |
| West | Single-Family Residence | L (Low Density Residential) | R-1 (Single Family Residential) |

| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
|---|-------------------|------------------|--------------------------|
| Special Area Plan | | | |
| John S. Park Historic Neighborhood Plan | X | | Y* |
| <i>Special Districts/Zones</i> | <i>Yes</i> | <i>No</i> | <i>Compliance</i> |
| Special Purpose and Overlay Districts | | | |
| A-O (Airport Overlay) District (200 Feet) | X | | Y** |
| Trails | | X | N/A |
| Rural Preservation Overlay District | | X | N/A |
| Development Impact Notification Assessment | | X | N/A |
| Project of Regional Significance | | X | N/A |

* The subject property lies within the John S. Park Historic Neighborhood Planning area, which was adopted by the City Council on 12/19/01. The purpose of the plan was to document resident's opinions on how they want their neighborhood to look and feel in the future.

** The subject property is located within the McCarran International Airport Overlay Map within the 200-foot height limitation contour. The subject building does not extend beyond this limitation.

DEVELOPMENT STANDARDS

Pursuant to Title 19.08.040, the following standards apply for Accessory Structures:

| Standard | Required/Allowed | Provided | Compliance |
|---|---|---------------------------------------|-------------------|
| Min. Lot Size | N/A | 12,364 SF | N/A |
| Min. Lot Width | N/A | 95 Feet | N/A |
| Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Rear | N/A 3 Feet 3 Feet | Zero Feet Zero Feet | N* N* |
| Min. Distance Between Buildings | 6 Feet | 11 Feet | Y |
| Max. Lot Coverage | 50% of the rear yard area | 11% of the rear yard area | Y** |
| Max. Building Square Footage | 50% of the main dwelling unit | 19% of the main dwelling/ 459.5 SF | Y*** |
| Max. Building Height | Not to exceed two stories (35 feet max) or the height of the main building, whichever is less | 9 Feet | Y**** |

* The applicant has submitted a Variance (VAR-33775) to allow a zero-foot side and rear yard setback where three feet is required.

** The rear yard area of the subject property is approximately 4,275 square feet.

*** The square-footage of the main dwelling is 2,463 square feet.

**** The applicant has indicated on the site plan that the building height for both the main dwelling unit and the Accessory Structure are both nine feet.

Pursuant to Title 19.10, the following parking standards apply:

| Parking Requirement | | | | | | | |
|-------------------------------|-------------------------------------|---|---------|--------------|----------|--------------|------------|
| Use | Gross Floor Area or Number of Units | Required | | | Provided | | Compliance |
| | | Parking Ratio | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Single Family, Detached | 1 Unit | 2 spaces per dwelling unit | 2 | | 2 | | Y |
| Accessory Structure (Class I) | 1 Unit | 1 additional space beyond minimum requirement | 1 | | 1 | | Y |
| TOTAL | | | 3 | | 3 | | Y |

ANALYSIS

This is a request for a Special Use Permit for an existing Accessory Structure (Class I) at 1317 South 6th Street. In addition to this request the applicant has also submitted a request for a Variance (VAR-33775) to allow a zero-foot side and rear yard setback where three feet is required for an existing Accessory Structure (Class I) at the subject property. The existing Accessory Structure (Class I) has been in place on the subject property for several decades as evidenced by the photographs submitted with this application; however, the Department of Building and Safety has no building permits on file to verify that this structure was legally built on the subject property nor does the Planning and Development Department have any record of a Variance to allow the existing zero-foot setback condition at the subject property.

A Special Use Permit is required for any residential Accessory Structure (Class I) which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provides full living quarters, including full kitchen facilities, for the occupants of the principal dwelling or their tenants, domestic employees or temporary guests. The floor plan indicates that partial kitchen facilities will be initially provided, including a sink and counter area, however the existing Accessory Structure (Class I) contains 220v wiring, which can accommodate the future connection of a range/oven appurtenance. Staff cannot support a request for a non-permitted Accessory Structure (Class I) to remain on the subject property in its current configuration as the lack of required setbacks will have a negative impact on the adjacent properties; therefore, denial of this request is recommended.

- **Land Use/Zoning**

The subject property is zoned R-1 (Single Family Residential) and carries a General Plan land use designation of L (Low Density Residential). The purpose of the R-1 (Single Family Residential) district is to provide for the development of single-family detached dwellings in a suburban setting. The R-1 (Single Family Residential) district is consistent with the policies of the L (Low Density Residential) category of the General Plan. The L (Low Density Residential) category generally permits single-family detached homes, manufactured homes on individual lots, gardening, home occupations, and family child care facilities. This category allows up to 5.49 units per acre. An accessory Structure (Class I) is a permitted use within the R-1 (Single Family Residential) zoning district upon the approval of a Special Use Permit.

- **Site/Floor Plan**

The site plan provided by the applicant indicates that the existing Accessory Structure (Class I) is located at the southeast corner of the subject property. The south and east walls of the existing structure are setback zero feet from the property line. The applicant has submitted a Variance (VAR-33775) to allow a zero-foot side and rear yard setback where three feet is required. The main dwelling unit is separated from the Accessory Structure (Class I) by 11 feet, where six feet is the minimum required per Title 19.08.040.

The floor plan submitted indicates a two-room Accessory Structure (Class I) consisting of a large, open room containing a countertop with sink, closet, and a hot-water heater closet, while the second, smaller room contains a bathroom. The south and east walls are windowless, while the north wall contains floor to ceiling glass windows. An entrance is provided on the west side of the space, which accesses the backyard of the subject property.

- **Elevations**

The applicant has submitted photographs of the existing Accessory Structure (Class I) in lieu of architectural renderings. The photographs submitted indicate the existing building is block construction, which meets the one-hour fire rating of the Building and Safety Department. The south and east faces of the structure, which border neighboring parcels, are windowless. The north side of the structure consists of floor to ceiling glass windows, which face the backyard of the subject property, while the west face of the building contains an entry door. The building is nine feet in height, which is equal to the nine-foot height of the main dwelling unit, flat roofed, and architecturally compatible with the main dwelling unit.

- **Minimum Special Use permit Requirements**

As listed in Title 19.04.010, the following conditions apply to the proposed Accessory Structure (Class I):

1. The size of the lot or parcel must exceed 6,500 square feet.
2. Unless the principal dwelling is owner-occupied, a Class I accessory structure may not be offered or occupied as a rental unit.

The existing Accessory Structure (Class I) meets the Minimum Special Use Permit requirements; however, the Department of Building and Safety has no building permits on file to verify that this structure was legally built on the subject property nor does the Planning and Development Department have any record of a Variance to allow the existing zero-foot setback condition at the subject property. A condition has been added to this application, if approved, requiring the applicant to obtain all necessary building, plumbing, electrical permits and final inspections within 90 days of approval.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The existing land use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses as a Variance is required to allow a zero-foot side and rear yard setback where three feet is required. The zero-foot setback negatively affects the neighboring properties to the south and east of the subject property.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is physically suitable for the type and intensity of land use proposed.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is accessed by 6th Street, a 60-foot Local Street according to the Master Plan of Streets and Highways, which will provide adequate access to meet the requirements of the existing use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of the Special Use Permit at the subject site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan as the existing Accessory Structure (Class I) will be subject to building permit review and inspections.

5. **The use meets all of the applicable conditions per Title 19.04.**

The existing Accessory Structure (Class I) meets all of the applicable conditions per Title 19.04.

PLANNING COMMISSION ACTION

The applicant indicated that he wished to legalize the power source to this casita to have kitchen facilities.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 272 by City Clerk

APPROVALS 0

PROTESTS 1